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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/759,500

01/16/2004

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69,545-999-3

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08/01/2006

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EXAMINER

THOMPSON, HUGH B

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,500

Applicant(s)

PENN ET AL.

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-40 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 10-13, 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-3-05, 3-25-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 2-20 and 22-40 are objected to because of the following informalities: in line one of each claim "Claim" should read --claim--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blasen # 3,341,034. Blasen, as best seen in Figures 1, 4, 24, and 26, discloses a platform lift apparatus comprised of frame assembly 12, having a drive mechanism 196 internally mounted thereon, the drive mechanism having parallel rotatable shafts 202, 210, drums 204, 212, tethers/cables/hoist lines 214 (commonly known to be braided), which hang from the drums and are secured to platform assembly 14, 176, electric drive motor 222, platform wheels 140, and platform wall assembly 184, 188, 190, 308.

Claims 1, 2, 9, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Felt #1,338,127. Felt discloses a platform lift assembly comprised of frame assembly 1, 2, 11, 12, parallel shafts having drums 13, 14 mounted thereon that receive tethers/ropes 22, 23 thereon, the ropes secured to platform assembly 24-26, by means of fasteners (unnumbered).

Allowable Subject Matter

Claims 21-40 are allowed.

Claims 4-6, 8, 10-13, and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the allowance of claim 21 is the inclusion of at least one drive pulley the first shaft being operatively coupled to the second shaft to permit simultaneous rotation of the first and second shaft.

For claim 4, it is the inclusion of each shaft having a drive pulley and a drive belt coupled to drive each drive pulley.

For claim 6, it is the inclusion of at least one extension idler in association with the lift drum that shifts horizontal position of the respective lift tether.

For claim 8, it is the inclusion of a foldable fence connected to the vertical walls.

For claim 10, it is the inclusion of the platform having a seal providing a barrier between the platform and frame when the platform is in the raised position.

For claim 11, it is the inclusion of at least one tensioner associated with the lift drum and in contact with a respective tether to prevent twisting or kinking of the tether as it is wound or unwound from the lift drum.

For claim 15 it is the inclusion of the parallel shafts being vertically offset with respect to each other and the drive mechanism driving each shaft in opposite rotational directions.

For claim 16, it is the inclusion of at least one lift drum having an idler lift drum coupled to a drive pulley of another shaft to communicate rotational movement between shafts.

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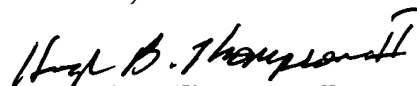
For claims 17 and 18, it is the inclusion of a means coupled to the underside of the platform for detecting impact of the platform on an object, that means as provided for on page 17, lines 15-29.

The prior art of record fails to teach or suggest the claimed features absent the applicants' own disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

July 26, 2006